

May 25, 2006



TRANSCRIPT

MAY 25, 2006

MONTGOMERY COUNTY COUNCIL

PRESENT

| | |
|-----------------------------|-------------------------------------|
| George Leventhal, President | Marilyn J. Praisner, Vice President |
| Phil Andrews | Howard Denis |
| Nancy Floreen | Michael Knapp |
| Thomas Perez | Steven A. Silverman |
| Michael Subin | |

May 25, 2006



[MUSIC]

Council President Leventhal,
Good morning. Good morning, everyone. Good morning, the County Council is in session. It's another beautiful day in Montgomery County.

Councilmember Praisner,
...our neighborhood, anyway.

Council President Leventhal,
And we have before us approval resolutions for the FY '07 Capital Budget and the FY '07 through 2012 Capital Improvements Program. I understand that each of these resolutions needs a separate motion. I don't think we need much...

[LAUGHTER]

Councilmember Silverman,
So moved.

Council President Leventhal,
Right.

Councilmember Praisner,
Well, we have to vote on it...

Council President Leventhal,
I don't think we need a whole lot of narrative on each resolution. I understand there is a clerical error that needs to be corrected. Mr. Sherer, which resolution is that, which number? Yeah, well I'm not sure which one it is.

Charles Sherer,
Yes, sir. It's number of 15.

Council President Leventhal,
Oh, number 15. Okay, well we'll get to that when we get to that, okay? Very good. So at this time, I will entertain a motion to approve the FY '07 Capital Budget and FY '07 through 2012 Capital Improvements Program for County government.

Councilmember Floreen,
So moved.

Councilmember Knapp,
Second.

Council President Leventhal,
Ms. Floreen has moved and Mr. Knapp has seconded the CIP and Capital Budget for

May 25, 2006



1 County Government. Those in favor will signify by raising their hands. Is unanimous
2 among those present.

3
4 Councilmember Silverman,
5 Sorry.

6
7 Councilmember Perez,
8 Do you mind if I just keep my hand up?

9
10 [LAUGHTER]

11
12 Council President Leventhal,
13 Okay, we need a motion on a resolution approving the Capital Budget and six-year CIP
14 for the Montgomery County Public Schools. Mr. Perez has moved and Mr. Andrews has
15 seconded the Public Schools budget and CIP. Those in favor will signify by raising their
16 hands. It is unanimous among those present. I need a motion to approve the Capital
17 Budget and CIP for Montgomery College. Mr. Knapp has moved and Mr. Perez has
18 seconded the Capital Budget and CIP for Montgomery College. Those in favor will
19 signify by raising their hands. It is unanimous. I need a motion to approve the Capital
20 Budget and CIP for the Maryland-National Capital Park and Planning Commission.

21
22 Councilmember Floreen,
23 So moved.

24
25 Councilmember Praisner,
26 Seconded.

27
28 Council President Leventhal,
29 Ms. Floreen has moved and Ms. Praisner has seconded the Park and Planning
30 Commission's Capital Budget and CIP. Those in favor will signify by raising their hands.
31 It is unanimous. I need a motion to approve the Capital Budget and CIP for the Revenue
32 Authority?

33
34 Councilmember Praisner,
35 So moved.

36
37 Council President Leventhal,
38 Ms. Praisner has moved and Mr. Perez has seconded the Capital Budget and CIP for
39 the Revenue Authority. Those will signify by raising their hands. It is unanimous. I need
40 a resolution to approve the Capital Budget, a motion to approve the resolution
41 establishing the Capital Budget and the CIP for the Housing Opportunities Commission.
42 Mr. Andrews has moved and Mr. Perez has seconded the Housing Opportunities
43 Commission's Capital Budget and CIP. Those in favor will signify by raising their hands.
44 It is unanimous. I need a motion to approve the Aggregate Capital Budget for County
45 General Obligation Bonds and Spending Affordability Guidelines.

May 25, 2006



1 Councilmember Perez,
2 So moved.

3
4 Councilmember Knapp,
5 Second.

6
7 Council President Leventhal,
8 Mr. Perez has moved and Mr. Knapp has seconded. Those in favor will signify by
9 raising their hands. Okay, we're on...

10
11 Councilmember Praisner,
12 [INAUDIBLE]

13
14 Council President Leventhal,
15 It is unanimous. We're on agenda item eight. I need a motion to approve the Aggregate
16 Capital Budget for Park and Planning Bonds and Spending Affordability Guidelines. Ms.
17 Praisner has moved...

18
19 Councilmember Floreen,
20 Second.

21
22 Council President Leventhal,
23 ...and Ms. Floreen has seconded resolution number eight. Those in favor will signify by
24 raising their hands. It is unanimous. We needed a motion to approve the resolution on
25 FY '07 State Participation.

26
27 Councilmember Praisner,
28 So moved.

29
30 Council President Leventhal,
31 Ms. Praisner has moved...

32
33 Councilmember Knapp,
34 Second.

35
36 Council President Leventhal,
37 ...and Mr. Knapp has seconded the State Participation Resolution. Those in favor will
38 signify by raising their hands. It is unanimous. We now turn to the Operating Budget. I
39 need a motion to approve the Operating Budget for FY '07 for County government. Mr.
40 Knapp has moved and Mr. Perez has seconded Item Number 10. Those in favor will
41 signify...

42
43 Councilmember Praisner,
44 No, no, no, no.

45
46 Council President Leventhal,

May 25, 2006



1 No, no, no?

2
3 Councilmember Praisner,
4 This is the one with resolutions and we have...

5
6 Council President Leventhal,
7 We have some amendments?

8
9 Councilmember Praisner,
10 Yes. Ah! Slow down.

11
12 Linda McMillan,
13 And I have one correction.

14
15 Councilmember Praisner,
16 And she has an correction.

17
18 Council President Leventhal,
19 We have some amendments and we have some corrections. Ms. Praisner first.

20
21 Councilmember Praisner,
22 Okay, the ones that I have amendments and addition to are items number 58 and 59
23 and I will pass this out to my colleagues. I apologize, I just got this, this morning based
24 on conversations. The first one relates to the issue that we are going to end this
25 morning's discussion with and that is the fireworks in the East County, Mid-County, and
26 relates to the \$54,000 in the Regional Services Center Budget we set aside the this
27 coming fiscal year. And the reference is to the fact that there will not be a fireworks in
28 the -- operated by the Regional Service Center in the Mid-County area. Instead of
29 modifying all the resolutions at this late date, what we are saying in the first one is that
30 \$54,000 cannot be used for other purposes with the anticipation that we can carry it
31 over into next year and by FY '08 have our fireworks in order in the East and Mid-
32 County. The second one deals with an issue that I has asked staff to work on but,
33 unfortunately, it fell through the cracks, and that is, we learned during recent
34 conversations, that the County was going to be applying the funds from land sales to
35 certain categories of activity. And this requests the Office of Management and Budget to
36 work with the Management and Fiscal Policy Committee to implement a method for
37 notification to the Council of County government land sales and the use of revenues
38 from County government land sales. That will allow us to at least track that and in fact
39 having discussed this issue with Mr. Firestine it's good fiscal policy for the Council to
40 know the dollar amounts and to know how those funds are being used. So, I would
41 move an amendment to that resolution to include these two items. And there is also a
42 correction related to...

43
44 Linda McMillan,
45 It's on page 10 of the resolution at the top. It's the end of provision 30 related to the
46 Olney Theater, And we would remove the words from private sources related to the

May 25, 2006



1 requirement for matching funds. The matching funds would be able to come from any
2 source.

3
4 Councilmember Praisner,

5 I think the conversation with Mr. Knapp is that reflects his intent. The only other
6 comment I would make is -- on number 34, relates to the continuing resolution
7 associated with the reporting by Management and Budget of any new positions,
8 permanent or full or part-time. Although there is no change in the resolution I would ask
9 that OMB, when we do our budget discussion with MFP we have some conversation
10 about how we could possibly given the limited technology that exists now, refine that
11 report, such that we improve its usefulness to the Council.

12
13 Council President Leventhal,

14 Okay. Ms. Praisner has moved these two amendments. Is there a second?

15
16 Councilmember Perez,

17 Second.

18
19 Council President Leventhal,

20 Mr. Perez has seconded the amendments. Is there a discussion on the amendments
21 proposed by Ms. Praisner? There is no discussion, without objection they will be added
22 to the budget resolution. Ms. McMillan you had some corrections that needed to be
23 made?

24
25 Linda McMillan,

26 Just the one on page 10.

27
28 Council President Leventhal,

29 They're done? We're clear?

30
31 Linda McMillan,

32 We're clear.

33
34 Council President Leventhal,

35 So we're ready to vote on the budget for County Government. Those in favor of the
36 budget for County Government will signify by raising their hands. It is unanimous.
37 Agenda Item Number 11 is the Operating Budget for the Montgomery County Public
38 Schools. There has been quite a bit of discussion about the Special Ed matter and I do
39 want to just go ahead and clear it up publicly. Mr. Farber, could you advise us please
40 about the status of the \$1.38 million that had been requested by the School Board for
41 the shortfall in federal funding for the Individuals with Disabilities Educational **Act**?

42
43 Stephen Farber,

44 Yes, that funding is included as County funds within the resolution that you're about to
45 vote on.

May 25, 2006



1 Council President Leventhal,
2 Thank you very much, can I get a motion to approve the Operating Budget for the Public
3 Schools?

4
5 Councilmember Floreen,
6 So moved.

7
8 Councilmember Perez,
9 Second.

10
11 Council President Leventhal,
12 Ms. Floreen has moved and Mr. Perez has seconded. Those in favor -- oh, I'm sorry,
13 Ms. Praisner has commentary.

14
15 Councilmember Praisner,
16 If I may, I want to have the clerk note that while voting for the Operating Budget I am
17 recusing myself from a section of the budget that relates to increased beyond state the
18 benefits for employee retirement given family exposure in this issue consistent with the
19 School Board President's actions when he took action. I also want to make another
20 comment. I had asked since the School System has identified that they have found or
21 will find \$6 million to apply both to the reimbursement of the state for overages from the
22 state's view on school construction that they have given us for projects, and also to
23 apply towards retirement and other costs, I have asked for an accounting of where that
24 money comes from. And to say that I am disappointed would be extremely mild in my
25 view, that the school system has yet to provide that kind of information. We are
26 appropriating money today by categories. And if there are reductions in specific
27 categories by virtue of having found money or shifting in categories by virtue of having
28 used that money differently, we need to know that. I am just very disappointed that the
29 school system can't come forward and provide that information in more depth than they
30 have at this point.

31
32 Council President Leventhal,
33 Mr. Subin

34
35 Councilmember Subin,
36 I would just remind Council that, two things. One, at the end of the year there is a final
37 accounting in which we end up having to see where those shifts were made. And those
38 shifts are made in the judgment of the School Board who is responsible at the
39 suggestion of the Superintendent. I will also remind Council that while there is objection
40 of the School System coming forward, this year with \$6 million, there was no objection
41 when the Council last year told them to come forward with \$10 million. And then at the
42 very end the Council President said take another \$2 million at the very end at the
43 Council's insistence. A little consistency would be okay.

44
45 Council President Leventhal,

May 25, 2006



1 Okay, those in favor of the Montgomery County Public Schools' Operating Budget will
2 signify by raising their hands. It is unanimous. Item number 12 is the Montgomery
3 College Operating Budget. I need a motion to approve.

4
5 Councilmember Praisner,
6 Second.

7
8 Council President Leventhal,
9 Mr. Perez has moved and Ms. Praisner has seconded the Operating Budget for the
10 Montgomery College now before the Council. Those who favor will signify by raising
11 their hands. It is unanimous. I need a motion to approve the Operating Budget for the
12 Maryland National Capital Park and Planning Commission.

13
14 Councilmember Praisner,
15 So moved.

16
17 Council President Leventhal,
18 Ms. Praisner has moved and Mr. Perez has seconded the Park and Planning
19 Commissions Operating Budget. Those in favor will signify by raising their hands. It is
20 unanimous. I need a motion to approve the Administrative Expense Budget of the
21 Washington Suburban Transit Commission.

22
23 Councilmember Praisner,
24 So moved.

25
26 Councilmember Floreen,
27 Second.

28
29 Council President Leventhal,
30 Ms. Praisner has moved and Ms. Floreen has seconded the WSTC. Those in favor will
31 signify by raising their hands. It is unanimous. I need a motion to approve the Aggregate
32 Operating Budget...

33
34 Charles Sherer,
35 Mr. Leventhal?

36
37 Council President Leventhal,
38 ...of the Spending Affordability Guidelines. Mr. Sherer.

39
40 Charles Sherer,
41 I need to correct that.

42
43 Council President Leventhal,
44 Yeah, let's move it, and then we'll talk about corrections. Item 15, need a motion to
45 approve.

May 25, 2006



Councilmember Floreen,
So moved.

Council President Leventhal,
Ms. Floreen has moved...

Councilmember Praisner,
Second.

Council President Leventhal,
...and Ms. Praisner has seconded the Aggregate Operating Budget Spending
Affordability Guidelines. Mr. Sherer.

Charles Sherer,
On page two in the action section the second sentence -- the second line rather -- the
correct number there should be 3402.4 not 3401.0.

Council President Leventhal,
Thank you, please make sure the court has that correct for the record.

Charles Sherer,
Yes, sir.

Council President Leventhal,
Those in favor -- well actually, let's go ahead and amend the motion. I think it was...

Multiple Speakers,
[INAUDIBLE]

Council President Leventhal,
...the correction As proposed by Mr. Sherer without objection is included in the motion.
Those in favor will signify by raising their hands. It is unanimous. We now have before
us agenda item 16 the resolution to approve the Washington Suburban Sanitary
Commission FY '07 through 2012 Capital Improvement Program.

Councilmember Floreen,
So moved.

Council President Leventhal,
Ms. Floreen has moved and we need a second.

Councilmember Perez,
Not from me.

Councilmember Praisner,
Not from me either.

May 25, 2006



Councilmember Silverman,
What issue are we on?

Council President Leventhal,
We are on the WSSC six-year CIP. There is no second. Motion to approve the WSSC
CIP fails for lack of a second. We now have before us the WSSC FY '07 Capital and
Operating Budget. Is there a motion to approve?

Councilmember Floreen,
So moved.

Council President Leventhal,
There is a motion to approve, is there a second?

Councilmember Subin,
Second.

Council President Leventhal,
Mr. Subin has seconded the WSSC FY '07 Capital and Operating Budgets. Is there
discussion on the motion? Ms. Praisner?

Councilmember Praisner,
I am so disappointed with the actions and activity of the Commission that I am going to
reflect that irritation by voting no today.

Council President Leventhal,
Those in favor of the adoption of the WSSC FY '07 Capital and Operating Budget will
signify by operating their hands. It is Mr. Denis, Ms. Floreen, Mr. Subin, Mr. Knapp.
Those opposed will signify by raising their hands. It is Mr. Andrews, Mr. Perez, Ms.
Praisner, myself, and Mr. Silverman. The Council does not approve of the WSSC FY '07
Capital and Operating Budget. We need a motion to approve the Cable Television
Communications Plan. Ms. Praisner has moved, is there a second? Mr. Knapp has
seconded the Cable Television Communications Plan. Those in favor will signify by
raising their hands. Tom, are you voting on cable tv? It passes unanimously. We have
number 19, resolution to establish the FY '07 Property Tax Rates?

Councilmember Andrews,
So moved.

Councilmember Praisner,
Second.

Council President Leventhal,
Mr. Denis has moved and Ms. Praisner has seconded the FY '07...

May 25, 2006



1 Councilmember Praisner,
2 Mr. Andrews [INAUDIBLE].

3
4 Council President Leventhal,
5 You know, I don't know why I have Denis on the brain, for some reason I'm just...

6
7 Councilmember Praisner,
8 He's okay.

9
10 Council President Leventhal,
11 All Howie, all the time.

12
13 Councilmember Praisner,
14 He's to the far left.

15
16 [LAUGHTER]

17
18 Council President Leventhal,
19 That was Mr. Andrews who had moved. Mr. Andrews moved and Ms. Praisner
20 seconded. Those in favor of the FY '07 Property Tax rates will signify by raising their
21 hands. It is unanimous. We need a motion to approve the resolution to authorize the
22 substitution of current revenue for General Obligation Bonds in FY '07.

23
24 Councilmember Floreen,
25 So moved.

26
27 Council President Leventhal,
28 Ms. Floreen has moved and we need a second on this one.

29
30 Councilmember Perez,
31 Second.

32
33 Council President Leventhal,
34 Mr. Perez has seconded. Those in favor of action Item Number 20 will signify by raising
35 their hands. It is unanimous. Okay. That concludes our adoption of the budget and all
36 related matters. Congratulations to all of us.

37
38 [LAUGHTER]

39
40 Council President Leventhal,
41 We have some agenda and schedule changes from Ms. Brockington.

42
43 Crystal Brockington,
44 The agenda changes are as follows: From the Legislative Session delete Agenda Items
45 Number 22 and 25 Expedited Bill 19-06 and Bill 22-06. The public hearing on Bill 25-06

May 25, 2006



1 has been changed to June 20th at 1:30 p.m. And from the District Council session
2 delete Agenda Item Number 34, Zoning Text Amendment 06-18.

3
4 Council President Leventhal,
5 Thank you very much. We're now in Legislative Session. Is there a -- I'm sorry, no, we
6 are in the Consent Calendar.

7
8 Councilmember Praisner,
9 Move approval.

10
11 Council President Leventhal,
12 And Ms. Praisner has moved approval of the Consent Calendar, is there a second?

13
14 Councilmember Andrews,
15 Second.

16
17 Council President Leventhal,
18 Mr. Andrews has seconded the Consent Calendar. Is there a discussion on the Consent
19 Calendar? Ms. Praisner.

20
21 Councilmember Praisner,
22 On the resolution to approve the relocation of Fire Station 18, I want to indicate again
23 that I support a different location for the garage. But I see no other possible location for
24 the fire station. Especially given the fact we haven't been more proactive about
25 reserving the potential land that might exist in the Downcounty area. I did want to add
26 something to the resolution, if possible, on circle four. The two following resolutions. The
27 Council approves the relocation and the approval applies to the relocation only. I'd like
28 to add a third bullet that says, "The County Council urges those involved with the project
29 to work with neighbors east and west of Georgia Avenue to respond to community
30 concerns regarding noise and vehicular movement." I would make that motion.

31
32 Council President Leventhal,
33 Is there a second?

34
35 Councilmember Perez,
36 Second.

37
38 Councilmember Silverman,
39 Could we repeat the motion?

40
41 Councilmember Praisner,
42 Sure.

43
44 Council President Leventhal,
45 Repeat the motion.

May 25, 2006



1 Councilmember Praisner,
2 "The County Council urges those involved with the project to urge neighbors east and
3 west of Georgia Avenue to respond to community concerns regarding noise and
4 vehicular movement.

5
6
7 Council President Leventhal,
8 Is there objection to the amendment of the resolution regarding fire station 18
9 relocation? Mr. Subin.

10
11 Councilmember Subin,
12 I guess I'm not sure about the last part of that. If we're talking about the dispatch of fire
13 vehicles to an emergency, how are we going to be restricting movement? If you could
14 explain that.

15
16 Councilmember Praisner,
17 I'm not talking about -- this doesn't say restrict, but just to respond to their concerns.
18 And the concerns are not related necessarily to emergency vehicles, all of which I
19 believe will exit and enter on Georgia Avenue. But to the extent there might be or there
20 is any connection with neighborhood roads for traffic that may be entering or using the
21 facility, including employee vehicles, et cetera. I'm not in no way suggesting that you
22 restrict vehicles.

23
24 Councilmember Subin,
25 Well, if there could be a clarification...

26
27 Councilmember Praisner,
28 You want to clarify that? Sure, "non-emergency vehicles," is that okay?

29
30 Councilmember Subin,
31 That's fine. That's fine.

32
33 Councilmember Praisner,
34 "non-emergency vehicular movement," If I could adjust it that way, Mr. Leventhal?
35 Thank you.

36
37 Council President Leventhal,
38 Hearing no objection, the amendment suggested by Ms. Praisner on Consent Calendar
39 item I is approved. The Consent Calendar is now before the Council. Those in favor of
40 its adoption will signify by raising their hands. It is unanimous. Mr. Perez.

41
42 Councilmember Perez,
43 If I could go back to a moment to the WSSC vote. I want to make clear that my
44 concerns -- while I share Ms. Praisner's concern -- my number one concern was their
45 actions, vis-à-vis, their employees. I continue to have a very strong objection to not only

May 25, 2006



1 what they did, but how they did it in the I.T. context. And I just want to make sure that
2 my reason for voting against those budgets were very clear.

3
4 Council President Leventhal,
5 Thank you, Mr. Perez. The Council is now in Legislative Session. Is there a Legislative
6 Journal for approval?

7
8 Council Clerk,
9 No.

10
11 Council President Leventhal,
12 There is no Legislative Journal for approval. We have introduction of a Expedited Bill
13 20-06, SoccerPlex Lease Amendments. Public hearing is scheduled for June 13.
14 Without objection the bill is introduced. We have Bill 21-06: Retirement Savings Plan
15 Distribution of Benefit. Public hearing scheduled for June 13th. Without objection the bill
16 is introduced. We have Bill 23-06, Special Capital Improvements Project Judicial Center
17 Annex. Public hearing scheduled on June 13th. Without objection, the bill is introduced.
18 We have Bill 24-06 Special Capital Improvement Project Silver Spring's Library. Public
19 hearing scheduled for June 13th. Without objection the bill is introduced. We have Bill
20 25-06, Procurement Exemptions. Ms. Praisner.

21
22 Councilmember Praisner,
23 For the public hearing or especially for the Committee, I'd like to discuss what kind of
24 notice there is associated when there is a waiver of the procurement process for these
25 kinds of issue or any issue like this? Thank you.

26
27 Council President Leventhal,
28 Without objection Bill 25-06 is introduced. We have Expedited Bill 26-06: Personnel
29 Retirement Miscellaneous Amendments. Public hearing scheduled for June 13th.
30 Without objection the bill is introduced. We have five bills before us for final reading.
31 These are all Special Capital Improvements Projects. They do require a roll call vote,
32 but it would be in order to approve all five of them en bloc by a roll call if that were the
33 will of the Council.

34
35 Councilmember Praisner,
36 I'll move all five as one vote.

37
38 Council President Leventhal,
39 Ms. Praisner has moved and is there a second?

40
41 Councilmember Perez,
42 Second.

43
44 Council President Leventhal,
45 Mr. Perez has seconded the adoption of Bill 07-06, Bill 08-06, Bill 09-06, Bill 10-06, and
46 Bill 11-06, all Special Capital Improvement Projects for the following: The Clarksburg

May 25, 2006



1 Fire Station, the East Germantown Fire Station, the Animal Shelter, the North County
2 Maintenance Depot, and the Gaithersburg Library renovation en bloc by a roll call vote.
3 The clerk will call the roll. Mr. Knapp.

4
5 Councilmember Knapp,
6 As it relates to the North County Maintenance Depot, I just wanted to restate my request
7 that we had in a discussion earlier, that DPWT continue its outreach efforts into the
8 community of Clarksburg, to make sure people have some understanding of how this
9 fits and aligns with the master plan.

10
11 Glenn Orlin,
12 That language is included on the PDF that was Resolution Number One this morning.

13
14 Councilmember Knapp,
15 Thank you.

16
17 Council President Leventhal,
18 The clerk will call the roll.

19
20 Council Clerk,
21 Mr. Denis is not here?

22
23 Multiple Speakers,
24 [INAUDIBLE]

25
26 Council Clerk,
27 Mr. Denis?

28
29 Councilmember Denis,
30 Yes.

31
32 Council Clerk,
33 Ms. Floreen.

34
35 Councilmember Floreen,
36 Yes.

37
38 Council Clerk,
39 Mr. Subin.

40
41 Councilmember Subin,
42 Yes.

43
44 Council Clerk,
45 Mr. Silverman..

May 25, 2006



Councilmember Silverman,
Yes.

Council Clerk,
Mr. Knapp.

Councilmember Knapp,
Yes.

Council Clerk,
Mr. Andrews.

Councilmember Andrews,
Yes.

Council Clerk,
Mr. Perez.

Councilmember Perez,
Yes.

Council Clerk,
Ms. Praisner.

Councilmember Praisner,
Yes.

Council Clerk,
Mr. Leventhal.

Council President Leventhal,
Yes. All five bills pass 9-0. The Council is now in District Council Session. Zoning Text Amendment 06-17: Accessibility Improvement Exemption is proposed for introduction. We need a motion to adopt -- to have a public hearing on July 11. Ms. Praisner has moved and Mr. Knapp has seconded the motion for a public hearing on July 11th. Those in favor of having a public hearing on ZTA 06-17 will signify by raising their hands. It is unanimous. And we are still in District Council session and we turn now to action on the Damascus Master Plan. Ms. Michaelson?

Marlene Michaelson,
You have in front of you the resolution approving the Damascus Master Plan. I did want to take you through a few issues that I think deserve the Council's attention that are discussed in the cover memorandum that may reflect changes from the Council's discussion during work session. The first is the issue of Town Center zoning. If you recall, the Council recommended that properties in the outer area of Town Center that currently have a residential based zone be zoned MXTC-TDR, that's Mixed Use Town

May 25, 2006



1 Center Zone with TDR, and those properties that had a commercial base only be a zone
2 MXTC without a requirement for TDR. As planning staff began to work on the sectional
3 map amendment, they realize there were some properties that are split zoned or two
4 separate properties that plan to be developed in joint ownership for a single
5 development. And they are recommending those properties be zoned MXTC-TDR. This
6 would not in any way change the total density potential on any of these properties. It
7 would simply mean that to achieve the full residential development potential they would
8 have to purchase TDRs. We did receive a letter yesterday from one property owner of
9 the King family objecting to this recommendation. On that particular property, the
10 property is 10.9 acres. 9.66 is zoned RE-2C, 1.24 is zoned C-2. They are objecting to
11 the designation on the C-2 portion of the property. I would note that the way the MXTC-
12 TDR zone works, this property owner on the RE-2C portion would get a 16-fold increase
13 in density without purchasing a single TDR, but then to go above that would have to
14 purchase TDRs. There is significant overall increase in the value of the property through
15 the master plan actions before the TDR purchase. So, I guess I don't share their
16 concern that in some way this is inequitable. And would support for these and other
17 properties the Planning staff recommendation for the MXTC-TDR.

18
19 Council President Leventhal,
20 Could someone advise us as to where that noise is coming from? Now it's stopped.
21 Whatever it was, it's over now.

22
23 Councilmember Praisner,
24 Damascus has a lot of churches.

25
26 Council President Leventhal,
27 Pastor [Sheck] brings his own bells with him.

28
29 [LAUGHTER]

30
31 Council President Leventhal,
32 It's magnificent, music accompanies him wherever he goes.

33
34 Marlene Michaelson,
35 So, that would be my recommendation to you, that is a change from what the Council
36 previously approved. The second issue that I...

37
38 Councilmember Floreen,
39 I have a question.

40
41 Council President Leventhal,
42 Ms. Floreen.

43
44 Councilmember Floreen,
45 Marlene, is the issue having to do with the commercial zoning on that property?
46

May 25, 2006



1 Marlene Michaelson,
2 Yes.

3
4 Councilmember Floreen,
5 I haven't seen that letter.

6
7 Marlene Michaelson,
8 It did come in late yesterday afternoon, it was just brought to my attention this morning,
9 and I'm sorry about...

10
11 Councilmember Floreen,
12 Can you direct us to a page in all this?

13
14 Marlene Michaelson,
15 The resolution language is on page 37, line 1592. And it's basically a very brief
16 reference to the fact that the MXTC, it's right at the bottom of the page. It says that not
17 only -- that land that is currently zoned residential or whether it's split zoning is
18 recommended for the MXTC-TDR zone.

19
20 Councilmember Floreen,
21 Where is this particular property?

22
23 Judy Daniels,
24 Judy Daniels. This particular property is located next to the Damascus Elementary
25 School on Ridge Road. It's currently in the Town Center area. It's right in the middle of
26 town. North of the Elementary School on the west side of Ridge Road.

27
28 Councilmember Floreen,
29 On the west side of Ridge Road? So they are losing, are they losing all commercial
30 opportunity on this land?

31
32 Judy Daniels,
33 Not at all.

34
35 Marlene Michaelson,
36 No this is a mixed use zone so they still have...

37
38 Councilmember Floreen,
39 So it's still mixed.

40
41 Councilmember Praisner,
42 On circles 68 is the map, can you show us?

43
44 Judy Daniels,
45 If you'll look, property number five. On the left side.

May 25, 2006



1 Councilmember Floreen,
2 The point is there is still commercial use associated with this.

3
4 Marlene Michaelson,
5 Significant commercial potential. It's both commercial potential and eight units per acre
6 without TDR.

7
8 Councilmember Praisner,
9 It was up-zoned basically with the TDR elements?

10
11 Councilmember Floreen,
12 My question was to understand the commercial implications. That opportunity is
13 retained in the property?

14
15 Marlene Michaelson,
16 No question. I don't know how the calculations will work out but given most of this
17 property was zoned residential, only a small portion was commercial. And now the
18 entire area can have commercial development, there may actually a net increase in the
19 commercial potential.

20
21 Councilmember Floreen,
22 It was, I see, it was that crosshatch piece which was the C-1 or C-2. Okay, thank you.

23
24 Marlene Michaelson,
25 Moving on, the second issue relates to environmental language. There was a lot of
26 additional language in this resolution reflecting specific constraints on sites that the
27 Council discussed. There were some concerns raised by individual property owners that
28 in some cases the language but too far, was too restrictive, or too detailed. Staff went
29 through each comment that we received. And in cases where we thought the language
30 was more restrictive but had not been discussed by the Council, we toned that down. In
31 cases where the language had specifically been addressed by the Council or raised in
32 discussion here, it is kept in the resolution. Attached at the end of the resolution is every
33 comment that was received and a description. I don't think the Council would want me
34 to go through each one, but if there are any questions I would be happy to address
35 them.

36
37 Council President Leventhal,
38 Ms. Praisner.

39
40 Councilmember Praisner,
41 I have a question for the Burdette property, line 425, the change from "must" to
42 "should." I thought our conversations went toward the "must" side. So I am surprised to
43 see that changed, because we wanted it located to avoid stream crossings.

44
45 Marlene Michaelson,

May 25, 2006



1 I think what had happened in the original language that was in here was -- not only in
2 this section but others -- was very definitive about the stream location. And the
3 Committee's discussion, and in turn the Council's, was there was going to have to be a
4 new pump station and that every effort would be taken to avoid stream crossings. And
5 so my sense of the Council's intent was that "should" was more in keeping with your
6 discussions. Should you want to return "must," that's obviously your prerogative and
7 something we can do here.

8
9 Councilmember Praisner,

10 Well are you saying that in the placement of a pump station the intent is not to avoid
11 stream crossings?

12
13 Marlene Michaelson,

14 No, the intent is to avoid it. However; the question is, if it's impossible to avoid a stream
15 crossing does that mean it no pump station? With the word "must" I would read if you
16 can't avoid a stream crossing then there's no pump station and that was the reason for
17 the change. This indicates that every effort would be made and if it's impossible, and
18 perhaps there may be a stream crossing that a pump station could still be allowed.

19
20 Councilmember Praisner,

21 I guess my concern is that it not be used as an excuse to come in with something less --
22 where a avoidance is the alternative. And if there is a debate between staff that it can
23 be avoided. And this language is used as a rationale that says we don't have to avoid or
24 we have to make an effort, but it isn't, there isn't any alternative, and the planning staff
25 believes this is I don't want it used as language that says -- that gets this into a debate.
26 And the conversation being...

27
28 Marlene Michaelson,

29 I would certainly interpret this to say if there is an alternative that can avoid it that is
30 what should be done. It is any lack of clarity...

31
32 Judy Daniels,

33 We could add a clause in there stating that "every effort shall be made to locate it
34 outside the stream buffers." Just to reinforce that as the intent.

35
36 Marlene Michaelson,

37 I think with the Burdette property the issue -- I think it could be done without crossing
38 the stream, The issue is actually one of impact to the stream buffer. There's two issues,
39 the stream crossing and encroaching into the stream buffer.

40
41 Councilmember Praisner,

42 Right, but "minimize" always existed there. It was the "must" and the "should" as far as
43 stream crossing.

44
45 Multiple Speakers,

46 [INAUDIBLE]

May 25, 2006



1 Councilmember Praisner,
2 ...that kind of a record of your interpretation that you can do it without a stream crossing,
3 but the issue is the minimization on the buffer, then I'm comfortable with this record as
4 part of that discussion.
5

6
7 Marlene Michaelson,
8 I think we can ask the clerk to make sure that's part of the record or the Council's
9 adoption.
10

11 Councilmember Praisner,
12 Right, because as you point out, the bigger issue may be the impacts on the buffers not
13 on the crossing.
14

15 Marlene Michaelson,
16 On this particular property that was the case.
17

18 Council President Leventhal,
19 Ms. Floreen.
20

21 Councilmember Floreen,
22 The plan would be to leave this language as it is? I just want to make a comment. I was
23 a little startled by the amount of extra words that were added the resolution
24 implementing the Council action. I just urge just generally I'd urge staff to be attentive to
25 the need to just fall what came out of the Committee and Council sessions on this.
26

27 Council President Leventhal,
28 The Damascus Master Plan is before the Council for adoption...
29

30 Marlene Michaelson,
31 I'm sorry, we do have a couple of more issues.
32

33 Council President Leventhal,
34 Oh, a couple more issues.
35

36 Marlene Michaelson,
37 There is a change -- Councilmember Praisner asked for last week some changes in the
38 language impacting The Church of the Redeemer and there have been modifications
39 that are acceptable both to the church and planning staff.
40

41 Council President Leventhal,
42 Ms. Praisner wanted to comment.
43

44 Councilmember Praisner,
45 I just wanted to comment, I want to thank everybody for working together. I think it more
46 reflects the fact that every effort is going to be made. And if meaningful progress is

May 25, 2006



going to be made, the clock turning the calendar is not going to be the impediment. And I anticipate and will be monitoring with Mr. Knapp, I'm sure, the progress on this issue. I think it can demonstrate and be a good model and we can perhaps bring government more eagerly to the table in the future. For the -- and also demonstrate to religious institutions that compromise and collaboration is the way to go. Thank you.

Council President Leventhal,

Let me also comment, since Pastor Sheck is here. I just want to let my colleagues know that Monday evening Valerie Ervin of my staff, and Patrick Lacefield of our staff organized for me an excellent planning meeting with a number of clergy members, including Pastor Sheck, to lay the groundwork for the town hall meeting for clergy and religious congregational leaders that the Council is sponsoring on Thursday afternoon, June 29th. And we had a very, very good exchange of ideas and began to lay a framework and agenda for that town hall meeting. I will be having conversations individually with my colleagues to fill them in on the thinking. I know Mr. Knapp also has had a great interest in developing a number of issues with the religious community. So we will be in communication with all of you but I just want to thank Pastor Sheck for his participation in that discussion, and I will be providing additional information in soliciting the ideas and thoughts of my colleagues on the June 29th town hall meeting for clergy and religious congregational leaders. Next issue Ms. Michaelson.

Marlene Michaelson,

The next issue is a request from King/Sauder property. First they had as that language be added to the plan regarding sewer [lift station.] The plan does specifically indicate in some instances where pump stations are recommended, but not in every case. I have worked with DEP staff and they have some alternative language they're proposing which I recommend that the Council add which is being distribute to you right now, which generally discusses how decisions would be made on the pump stations in the future. So that there can be no feeling on the part of a property owner if they are not specifically referenced for a pump station that means there would be denied in the future. I will give you a moment to look at this language, but basically it talks about the fact that pump stations may be necessary in certain locations in Damascus. And I think this would address their concerns about not having a specific reference for their property in the resolution.

Council President Leventhal,
Ms. Praisner.

Councilmember Praisner,

Has this been vetted through Planning Board staff as well and everyone, or is this just coming from the...

Marlene Michaelson,

This is just coming from the DEP, but I...

Councilmember Praisner,

May 25, 2006



1 I'd like Planning Board staff to have a chance to look at it, too.

2
3 Marlene Michaelson,
4 Actually DEP did send us that language, and we concur with that they're proposing.

5
6 Councilmember Praisner,
7 Okay.

8
9 Council President Leventhal,
10 Next issue, Ms. Michelson?

11
12 Marlene Michaelson,
13 There's an issue on this particular property, private street which I will let Glenn address.

14
15 Glenn Orlin,
16 Well, actually Judy might want to address it, because Judy looked at the same issues
17 too. The request is whether or not private street could be allowed on this property, and
18 you felt that the current language allows for it?

19
20 Judy Daniels,
21 It's definitely not precluded and it's certainly something we would anticipate could be
22 proposed within these MXTC developments. So we didn't see... I'm afraid sometimes if
23 you are too specific, if you don't say it everywhere someone later will think they can't do
24 it so it's better to retain the generality overall. It wouldn't be a surprising to see private
25 streets proposed, so we don't feel it's necessary.

26
27 Glenn Orlin,
28 We concur with Judy.

29
30 Council President Leventhal,
31 Ms. Floreen?

32
33 Councilmember Floreen,
34 Yeah, this is really a message about this plan combined with the previous issue on the
35 pump station. We need to continue to be clear about the need for appropriate
36 generalities where necessary, even though we have some specific comments about
37 specific properties. If we can put that on the list, Marlene, of things to track as we do
38 this. I'm getting more and more concerned about -- frankly a natural response to
39 specificity of these plans, thanks.

40
41 Marlene Michaelson,
42 Okay, the next issue, Glenn do you want to...

43
44 Glenn Orlin,
45 Sure. There's a mistake in the plan having to do with Gue Road, in terms of it's
46 classifications. The current chart suggests an overlapping of classifications which

May 25, 2006



1 contradict each other. The solution we're recommending is that the first 5,000 feet of
2 Gue Road east of Route 27 be classified as a primary residential street, which is
3 actually what it is now, and that the balance of the road be classified as a country road.
4 Without doing this it could have the possibility of having Gue Road having three different
5 classifications within a short stretch.

6
7 Council President Leventhal,
8 Okay, there are no other questions, next item.

9
10 Marlene Michaelson,
11 Developable properties in Town Center, the Council had asked for specific language
12 talking about a development possibility in Town Center. They wanted additional detail.
13 And what was in the original resolution I believe was a little too detailed.
14 Councilmember Floreen had suggested some ways to make it a little bit more concise.
15 Which I completely concur with and only believe mentioned in this cover memo because
16 the Council specifically requested the earlier language, but I think that this is a better
17 way of presenting it. Finally, I do want to note that in the resolution there are some
18 inaccurate calculations of TDRs and acreage. We do have language in the resolution
19 allowing planning staff to make technical corrections. In my view it clearly fits under a
20 technical correction. The Councilmembers want more information about the changes. I
21 do have all of the data here, but I do think it is of a technical nature.

22
23 Council President Leventhal,
24 Is there anything further?

25
26 Marlene Michaelson,
27 That's it on the resolutions.

28
29 Council President Leventhal,
30 Ms. Praisner?

31
32 Councilmember Praisner,
33 I have a question on circle 28 line 1217. It makes reference to the Forest Appendix and
34 says it's not included in this plan but is a separate document. How can it be an appendix
35 if it's not included in the plan.

36
37 Marlene Michaelson,
38 The appendix is a separate document. So when somebody actually reads the plan
39 they're not going to flip to the end of the document. And one of the readers, as they
40 commented on this, was confused as to where this appendix was and thought it would
41 be more helpful to say that the appendix is available as a separate document from Park
42 and Planning should you happen to just be reading the plan.

43
44 Councilmember Floreen,
45 [INAUDIBLE]

May 25, 2006



1 Councilmember Praisner,
2 But what is it an appendix to if it's not an appendix to a plan which therefore a part of the
3 plan?

4
5 Marlene Michaelson,
6 I'm sorry, it is an appendix to the plan. I guess we should just rephrase it to say the
7 appendix is a separate document.

8
9 Councilmember Praisner,
10 Which is a separate document, not part of the plan, please.

11
12 Council President Leventhal,
13 Let's move it for the record, Ms. Praisner moves the correction, and Ms. Floreen
14 seconds it. Without objection the...

15
16 Councilmember Floreen,
17 Well I've got a question.

18
19 Council President Leventhal,
20 Ms. Floreen has a question.

21
22 Councilmember Floreen,
23 What is it?

24
25 Pam Rowe,
26 This is actually referring to the Environmental Resources Assessment that was done --
27 they are done prior to every master plan and it's a document. It was done for Upper
28 Rock Creek. It's a technical assessment that precedes every master plan. It's
29 referenced incorrectly here. It should actually say the Environmental Resources
30 Assessment.

31
32 Councilmember Floreen,
33 Did we ever see it?

34
35 Marlene Michaelson,
36 It came across a rigidly with the plan. I mean we typically on most master plans...

37
38 Councilmember Floreen,
39 I mean, I'm honestly am mystified about said document.

40
41 Glenn Orlin,
42 But you don't adopt that.

43
44 Marlene Michaelson,
45 Right. This is background data.

May 25, 2006



1 Glenn Orlin,
2 That's part of our background data that we use to produce the plan.

3
4 Councilmember Floreen,
5 And it says that this is background data?

6
7 Pam Rowe,
8 There is no recommendations at all.

9
10 Marlene Michaelson,
11 It's not policy, it's just the data.

12
13 Councilmember Floreen,
14 Okay.

15
16 Council President Leventhal,
17 Okay, the Damascus Master Plan -- well first of all, without objection, the correction
18 regarding the appendix that it is simply a separate document is made without objection.
19 And we are now ready to vote on the Damascus Master Plan. Those in favor of it's -- oh,
20 it's a roll call vote to.

21
22 Marlene Michaelson,
23 Not on a Master Plan.

24
25 Councilmember Praisner,
26 No, just the ZTA.

27
28 Marlene Michaelson,
29 Zoning Text Amendments are roll call, not Master Plans.

30
31 Multiple Speakers,
32 [INAUDIBLE]

33
34 Councilmember Praisner,
35 Some Council President's have made certain master plans roll call votes.

36
37 Councilmember Perez,
38 That's what he was thinking.

39
40 Council President Leventhal,
41 Okay, but we're going to have a show of hands on this one. And those in favor of
42 adopting Damascus Master Plan will signified by raising their hands?

43
44 Councilmember Silverman,
45 You've been reading too many minutes lately.

May 25, 2006



1 Council President Leventhal,
2 It is unanimous.

3
4 Marlene Michaelson,
5 We have the Zoning Text Amendments?

6
7 Council President Leventhal,
8 We now have the Zoning Text Amendments before us. Do those need discussion, Ms.
9 Michaelson?

10
11 Marlene Michaelson,
12 No, there's no change from the Council's discussion of this at the last meaning there is
13 here for adoption now.

14
15 Council President Leventhal,
16 Thank you, now before the Council is Zoning Text Amendment 06-01. We need a
17 motion, well it's before us already I guess. The community recommended all these, so
18 it's before us, and a clerk will call the roll.

19
20 Council Clerk,
21 Mr. Denis?

22
23 Councilmember Denis,
24 Yes.

25
26 Council Clerk,
27 Ms. Floreen?

28
29 Councilmember Floreen,
30 Yes.

31
32 Council Clerk,
33 Mr. Subin?

34
35 [LAUGHTER]

36
37 Council Clerk,
38 Mr. Silverman?

39
40 Councilmember Silverman,
41 Yes.

42
43 Council Clerk,
44 Mr. Knapp?

45
46 Councilmember Knapp,

May 25, 2006



1 Yes.

2
3 Council Clerk,
4 Mr. Andrews?

5
6 Councilmember Andrews,
7 Yes.

8
9 Council Clerk,
10 Mr. Perez?

11
12 Councilmember Perez,
13 Yes.

14
15 Council Clerk,
16 Ms. Praisner?

17
18 Councilmember Praisner,
19 Yes.

20
21 Council Clerk,
22 Mr. Leventhal?

23
24 Council President Leventhal,
25 Yes, it passes 9-0. Now before the Council is Zoning Text Amendment 06-02. The clerk
26 will call the roll.

27
28 Council Clerk,
29 Mr. Denis?

30
31 Councilmember Denis,
32 Yes.

33
34 Council Clerk,
35 Ms. Floreen?

36
37 Councilmember Floreen,
38 Yes.

39
40 Council Clerk,
41 Mr. Subin?

42
43 Councilmember Subin,
44 Yes.

45
46 Council Clerk,

May 25, 2006



1 Mr. Silverman.

2
3 Councilmember Silverman,
4 Yes.

5
6 Council Clerk,
7 Mr. Knapp?

8
9 Councilmember Knapp,
10 Yes.

11
12 Council Clerk,
13 Mr. Andrews?

14
15 Councilmember Andrews,
16 Yes.

17
18 Council Clerk,
19 Mr. Perez?

20
21 Councilmember Perez,
22 Yes.

23
24 Council Clerk,
25 Ms. Praisner?

26
27 Councilmember Praisner,
28 Yes.

29
30 Council Clerk,
31 Mr. Leventhal?

32
33 Council President Leventhal,
34 Yes, it passes 9-0. Next is Zoning Text Amendment 06-03. The clerk will call the roll.

35
36 Council Clerk,
37 Mr. Denis?

38
39 Councilmember Denis,
40 Yes

41 Council Clerk,
42 Ms. Floreen
43 Councilmember Floreen,
44 Yes.

45
46 Council Clerk,

May 25, 2006



1 Mr. Subin?

2
3 Councilmember Subin,
4 Yes.

5
6 Council Clerk,
7 Mr. Silverman?

8
9 Councilmember Silverman,
10 Yes.

11
12 Council Clerk,
13 Mr. Knapp?

14
15 Councilmember Knapp,
16 Yes.

17
18 Council Clerk,
19 Mr. Andrews?

20
21 Councilmember Andrews,
22 Yes.

23
24 Council Clerk,
25 Mr. Perez?

26
27 Councilmember Perez,
28 Yes.

29
30 Council Clerk,
31 Ms. Praisner?

32
33 Councilmember Praisner,
34 Yes.

35
36 Council Clerk,
37 Mr. Leventhal?

38
39 Council President Leventhal,
40 Yes, it passes 9-0. That concludes action on the Zoning Text Amendments related to
41 the Damascus Master Plan. Thanks to Marlene Michaelson and the Planning Board
42 staff, and Jeff Zyontz, Judy Daniels, everyone from the Planning Board who worked on
43 this, and thanks to the community to weighed in on this matter. We now have before us
44 a public hearing and action on a WSSC CIP amendment and budget supplement
45 regarding costs related to a claim by the McGaughan Company.
46

May 25, 2006



1 [LAUGHTER]

2
3 Councilmember Praisner,
4 I'm voting on the settlement.

5
6 Multiple Speakers,
7 [INAUDIBLE]

8
9 Councilmember Denis,
10 That's what I say.

11
12 [LAUGHTER]

13
14 Council President Leventhal,
15 Who is going to explain to us the McGaughan Company matter? Mr. Farber, is that
16 you? Mr. Levchenko?

17
18 Stephen Farber,
19 I be happy to do so in Mr. Levchenko's absence, although I think he'll be here in a
20 moment. Basically what we have here is a FY '06 action. This is a budget supplement
21 and CIP...

22
23 Council President Leventhal,
24 I'm sorry, Mr. Farber just a moment. I'm going to request that all conversations be taken
25 out into the hall and that the door be closed, please. We need to have all conversations
26 and the hall and the door closed, please. Mr. Farber.

27
28 Stephen Farber,
29 What we have here is a budget supplement for FY '06 and also a CIP amendment. This
30 does involve as you said, Mr. Leventhal, the McGaughan claim, this is a longstanding
31 issue that has to do with a claim made against originally the predecessor agency to
32 D.C. WASA. And there has been a longstanding discussion as between WSSC and
33 D.C. WASA as to the appropriate cost sharing. This actually is an action that this
34 Council has supported previously. The Prince George's Council has not, they're going to
35 take it up on May 30th and hopefully they will see their way clear to approving it. But this
36 is an it action at this Council has previously endorsed and it is before you for a repeat
37 endorsement.

38
39 Council President Leventhal,
40 Ms. Praisner?

41
42 Councilmember Praisner,
43 I think you're trying to tell us we should vote for this one. Since there's no public
44 testimony I will move approval.

45
46 Councilmember Perez,

May 25, 2006



Second.

Council President Leventhal,
There are no witnesses and the payment of \$14.2 million is before the Council. Ms. Praisner has moved and Mr. Perez has seconded it. Those in favor will signify by raising their hands. It is unanimous. We are an hour ahead of schedule, which is good news. Do we have folks from the Executive Branch to fill us in on the fireworks?

Multiple Speakers,
[INAUDIBLE]

Council President Leventhal,
Right. Why don't we see if we can reach him. Why don't recess for 15 minutes and see if we can get Mr. Folkers here at 11:00 a.m. Mr. Farber, if you'll help us with that. The Council is in recess until 11:00 a.m.

[SILENCE] [MUSIC]

Council President Leventhal,
We're back in session, if members will take their seats we'll have a brief and constructive conversation about 4th of July. Mr. Folkers, welcome, come on up. We have the -- oh, and Ms. Cantor, always nice to see you, Ms. Matthews, are you going to join us, too? Come one up, whoever's going to do it let's do it, let's get in let's get out. Got the Fire Department here...and the Park Police, Recreation. Okay, come on up. We have the memo from the Chief Administrative Officer, and in short it says that the County won't have fireworks on the 4th of July, but it will have fireworks in South Germantown Park on the first of July. And we understand that this is a date that works for the Baltimore Symphony Orchestra, and that is consistent with a tradition in Germantown on doing it the Saturday night before the 4th of July. At our last discussion of this topic there was strong interest from Councilmembers in having fireworks on the 4th of July. I smile when I say this because...

[LAUGHTER]

Council President Leventhal,
I'm just smiling because, you know, we could so easily grandstand on this issue. And we're all adults.

Councilmember Silverman,
When do we start?

Council President Leventhal,
When do we start? Silverman's like chomping at the bit.

Councilmember Silverman,
The grandstanding will start in five minutes.

May 25, 2006



[LAUGHTER]

Councilmember Praisner,
What happened to our flag?

Council President Leventhal,
The question before nine elected officials is do we believe in the 4th of July?

[LAUGHTER]

Council President Leventhal,

How much do we love the 4th of July. Do we truly celebrate the founding of the great nation. Those are some of the questions that will occupy us for the next 15 minutes. Ms. Praisner.

Councilmember Praisner,
I just want to let folks know I've had conversation with Natalie Cantor and Anise Brown, who is not here, from the standpoint of I accept the decision and I'm looking at FY '08. And we're going to have a discussion with the Regional Service Center directors and everyone else, School System folks, recreation employees, fire, on what we do about '08 now, and how we get ready for '08 in a Committee meeting this summer sometime, so that we can make sure we've planned appropriately. Downcounty isn't getting any greener, and the challenge isn't getting any easier. And having had this experience with I think all of us trying as rigorously as we could in this short time period to try to get any event on the 4th of July. I acknowledge the problems, but the only comment I wanted to make is I hope that folks don't look at the 4th of July being a holiday and a challenge as far as employees working. Because it should be understood that there are events that go on and government steps up to the plate and government employees step up to the plate for holiday time, whatever it happens to be. If the public has an expectation that there is an event and it requires participation of employees, then that's it, that's all that it is. I want to think Natalie especially for all of the effort that she went through to try to make something happen. And I hope between now and next year we've got a plan in place that responds and that brings everybody to the table. Thank you for much, Mr. President, for scheduling this. The only other comment I could make I know not having anything on the 4th of July is the thing that's giving Councilmembers [SPEAKING ITALIAN] is the Italian word. But I've always seen a host of events, some of which are not on the fourth. It's not that there is something other than on the fourth, it's that there is nothing on the fourth that is giving me the greatest concern. And that's what I want to avoid in the future.

Council President Leventhal,
Yeah, I know other Councilmembers want to comment, and other Councilmembers will. I'm really -- I was joking before, but I really am really concerned about the decision not to have a public fireworks celebration on the 4th of July sponsored by Montgomery

May 25, 2006



1 County. I'm concerned for a number of reasons. I'm concerned that we're placing an
2 undue burden on municipalities that are hosting 4th of July fireworks celebrations. I'm
3 wondering whether we've been in consultation with City of Rockville, City of Takoma
4 Park, or any other municipalities that are hosting fireworks on Tuesday the fourth,
5 because they can expect greater crowds than perhaps they might have estimated. Are
6 they aware that there is not an outlet for fireworks in Wheaton for example? Could
7 somebody answer that?

8
9 Paul Folkers,
10 I'm not aware there's been any direct communications specifically on that issue but
11 there certainly can be.

12
13 Cathy Matthews,
14 There has been discussion with both City of Rockville and Gaithersburg that there was
15 some question that there might not be something on the 4th of July. So they're both -- at
16 least their coordinators are aware of there was an issue involved.

17
18 Council President Leventhal,
19 Okay well I would certainly look favorably on if there were a need for some sort of
20 supplemental to compensate those municipalities for additional costs or additional
21 grounds keeping, or whatever, I think the expectation for many years had been that
22 there are multiple fireworks celebrations around the County. And the public is going to
23 look for fireworks on Tuesday night, and they're going to end up at municipal sponsored
24 celebrations. And that's going to pose a burden on the municipalities, and I think we
25 have an obligation to make those municipalities whole. I've read the memo and today is
26 May 25th, so I'm not going to assume that it is feasible to turn around the decision, but
27 I'm not at all happy about it. As long as I can remember this in a County sponsored
28 fireworks celebration. People expect it. By the time they learn fireworks that the
29 fireworks were on Saturday they will have missed them. We're going to field a lot of
30 phone calls about this. I can guarantee you Councilmember's staffs, when our staff
31 would like to be on vacation at the beginning of the Summer, are going to be busy
32 explain to people, "Oh, yeah, sorry you missed the fireworks show, it was on July 1st."
33 And it's a burden on us. I know many Councilmembers want to comment, only Mr.
34 Silverman's light is on at the moment, and I'm calling on him at the moment.

35
36 Councilmember Silverman,
37 Thank you Mr. President, I won't grandstand, but I will ask for answers to the question
38 that I asked last time when this issue came up. What sites did you look at, and why can't
39 they be at other places?

40
41 Paul Folkers,
42 Let me ask Natalie Cantor, she was really involved in looking at the sites, I'll ask her to
43 respond to that.

44
45 Natalie Cantor,

May 25, 2006



1 Mr. Silverman, we've looked at all of the schools in Mid-County as well as the FDA site
2 and the two parks...

3
4 Councilmember Silverman,
5 Which two parks?

6
7 Natalie Cantor,
8 Wheaton regional and then of course Olney Manor, which we thought we had, but then
9 found out that we didn't have. I will ask the Fire Marshall, I know they actually looked at
10 more than I'm even aware of.

11
12 Councilmember Praisner,
13 Please identify yourself.

14
15 Council President Leventhal,
16 Press your button.

17
18 Michael Donahue,
19 Mike Donahue. We also looked at the shopping center at Lockwood Drive and New
20 Hampshire Avenue where the Sears store is. We looked at that place. We looked at a
21 park at -- and forgive me if I don't remember all the names -- at Cedar and Beech.
22 There's one back in there that we looked at -- we've looked at the, basically what we did
23 we started at the south end of the County and just line by line, grid by grid worked our
24 way north trying to find places that could possibly work. We ran into some conflict. We
25 looked at Chevy Chase Country Club, we looked at the -- I can never remember the
26 name of the Country Club on...

27
28 Natalie Cantor,
29 Brooke Manor.

30
31 Michael Donahue,
32 Brooke Manor Country Club. We looked at the Country Club over off of Fall's Road over
33 in that end of the County.

34
35 Council President Leventhal,
36 I'd like to break in with the question? Is there any reason to believe that things would be
37 different next year? Have we now learned that the can't have fireworks in Montgomery
38 County?

39
40 Michael Donahue,
41 It's very difficult in the Downcounty area, particularly with a loss of Wheaton.

42
43 Councilmember Silverman,
44 What, I guess what I'm trying to understand specifically, is what are the criteria that you
45 use, or somebody used, to make a determination that for example that they couldn't be

May 25, 2006



1 at Sligo Creek Golf Course, or they couldn't be at Einstein, or they couldn't be at
2 Kennedy, just using three.

3
4 Michael Donahue,

5 There's a requirement there for 100 feet of clear non-combustibles clearance for every
6 one-inch of shell that you fire. So that means if you have a 3-inch shell you need at least
7 600 feet of clear space that you have no buildings in, you have no possible fall out
8 problems with it falling on people, no trees, brush, anything that we could start a fire
9 with. That's state code.

10
11 Councilmember Silverman,

12 And that was the case at Westfield Shopping Town the last three years. So when
13 people we're looking up having stuff come over them that was okay?

14
15 Michael Donahue,

16 No, it wasn't okay.

17
18 Councilmember Silverman,

19 But it happened.

20
21 Michael Donahue,

22 And we've cleared the people back as far as we could, and I think last year we wound
23 up with a problem.

24
25 Councilmember Silverman,

26 The memo seems to suggest that the reason it's not at Westfield is it because of a
27 problem with damages, not because there's a fire code.

28
29 Michael Donahue,

30 There's also -- the parking area is large enough to accommodate that. In general, the
31 fallout will occur within that space that's clear, but it doesn't mean it's windy night, or if
32 we get some other gusts, or something like that, it won't go further. In general, that is a
33 safe zone.

34
35 Councilmember Silverman,

36 Let's just talk about that, so how did they do this at Takoma Park?

37
38 Unidentified Speaker,

39 They don't use three-inch shells.

40
41 Michael Donahue,

42 They use two-inch shells.

43
44 Councilmember Silverman,

45 They use two-inch shells. Okay.

46

May 25, 2006



1 Michael Donahue,
2 In some cases if we wanted to do one-inch, two-inch shells...

3
4 Councilmember Silverman,
5 The reason I'm asking these questions is because we pride ourselves in this County of
6 having the most well-educated people, experts in every field, we've got a very creative
7 County government and what you are telling us as elected officials that we have to go
8 tell folks that we can't do fireworks. What I'm asking is a pretty threshold question which
9 is why? What are the reasons site by site that have ruled things out? Is it the shells? Are
10 you going to tell me it's parking. I've gone to Westfield for many, many times, is there
11 some impression that people have it's a fabulous place to get in and out of, because
12 you can't. And I've driven through all the neighborhoods trying to get out, and seen all
13 the people who parked in the neighborhoods. I'm asking what is the criteria and how did
14 you end up ruling out the entire southern portion of the County.

15
16 Michael Donahue,
17 From our perspective we looked at only fire safety issues, while we were cognizant of
18 issues involving parking, we did not base our decision on that. We left that to the DPWT
19 and other folks that are more versed in that. Once you get below a 3-inch shell you lose
20 a lot of the special affects that you can get out of those. We looked at basically a 3-inch
21 shell parameter.

22
23 Councilmember Silverman,
24 We could only have the Takoma Park fireworks version which seems to apparently be
25 fabulous for people that go out there.

26
27 Michael Donahue,
28 I'll be more than happy to look at two-inch or one-inch shells.

29
30 Councilmember Silverman,
31 I don't mean to be sarcastic about this, but come on, if the issue is versus two-inch
32 versus three-inch shells, that's not a "we can't use a site issue," that's a policy decision
33 about what the nature of the fireworks are going to be and somebody apparently, so
34 what else is there besides that but the decision making process?

35
36 Natalie Cantor,
37 If I might speak to the one site that I am familiar with, and that's Westfield. In terms of
38 your first question the reason we can't have it there is Westfield won't let us have it
39 there. I mean, that's the bottom line, they've said bye-bye to us, because of the alleged
40 damage. In terms of the...

41
42 Councilmember Silverman,
43 Which they were compensated for.

44
45 Natalie Cantor,

May 25, 2006



1 Yes, they were compensated by the pyrotechnic company's insurance. And the
2 pyrotechnics company will -- even if that decision by Westfield were changed, the
3 pyrotechnician will not come back to the site. They've told us that. We also did ask, in
4 terms of downtown Wheaton, about 2-inch shells of any other possibility within
5 downtown Wheaton, and the Zambelli Company told us that the 2-inch shells would not
6 give us enough visibility for people to see over buildings properly. I cannot speak
7 intelligently of other sites.

8
9 Councilmember Silverman,
10 So tell me why we can't do this at Einstein...

11
12 Council President Leventhal,
13 Or Wheaton Regional Park.

14
15 Councilmember Silverman,
16 Or Sligo Creek Golf Course? Using two-inch shells? Has anybody here been to the
17 Takoma Park fireworks?

18
19 Multiple Speakers,
20 Yes.
21 I wasn't involved in any of the other...

22
23 Councilmember Silverman,
24 you have plausible deniability.

25
26 Recreation Department Staff,
27 ...the locations to know the reasons the rationale, but with the one and two-inch shell,
28 you can actually do a ground show, or set pieces. But the visibility for a large crowds at
29 distances is diminished at that point. So unless you're within close proximity you don't
30 get the effects of the show. I think in downtown Wheaton with a three-inch shell it
31 offered a lot of opportunity, much as you described as folks being able to park in
32 neighborhoods and still have a viewing areas that weren't necessarily in the CBD area.
33 In terms of Sligo, that might be diminished with the tree line around it unless they were
34 right there at the show, probably a one- or two-inch shell would not be visible at Sligo
35 Golf Course.

36
37 Councilmember Silverman,
38 From someplace else outside of Sligo?

39
40 Recreation Department Staff,
41 Correct.

42
43 Councilmember Silverman,
44 So then what other constraints are there that, I mean again, we've got to explain this to
45 folks. I've been going to Takoma Park for 15 years, and there's no parking there, I
46 mean, it's impossible to park. People park, they park wherever they park, they walk

May 25, 2006



over. Everybody has a fabulous time. Are we really talking about somebody's making a decision you can't do one- or two-inch shells, is that the bottom line? The other issues about parking and neighborhoods are true virtually anywhere, including Westfield.

Paul Folkers,

If I could quickly, just as far as you've asked the question as to what are the criteria. And within the memo it does show on page two the the preferred site criteria. And it lists a number of criteria that are evaluated, certainly some of which related to the Fire Marshall's evaluation, other are more practical relative to parking and traffic issues and other on-site issues as far as support equipment. All of those criteria I looked at relative to what it is a feasible site or not. The question you're raising, which is a reasonable question, is if we were to do a smaller shell size, would we be able to do it at some of these other sites? The answer is we would need to look at that, and chances are that we probably could, but it's something we need to evaluate, too. I think certainly when a County does the fireworks there's a certain expectation as there should be, I think, as to the quality of the event that we're going to put on. We're confident that the event we're going to hold at South Germantown regional Park is going to be an excellent event. It's going to be a great venue, and we've got the BSO there and it's going to be a superb event. We want to make sure wherever we do hold it we can make it an excellent event.

Councilmember Silverman,

I know, I'm sorry, I'm going to turn off my light, I know other Councilmembers have comments and I'm respectful of that. My feeling having been down here 30 years for whatever it's worth is this. People in the Rockville area go to the Rockville fireworks, the people in Gaithersburg go to the Gaithersburg fireworks, the people in Takoma Park and that region go there. The folks in Upcounty go to wherever they're supposed to go if they have a them.

Council President Leventhal,

Except they will be three days late.

Councilmember Silverman,

Right. And the question is, I guess I don't look at it as the County fireworks, where 40,000 people are coming because it's the County fireworks. It's hey, we want to take our kids to the fireworks where is the easiest place to go and the most convenient place to go where we're going to have a good time, and in effect what you're saying is we can't seem to find a place somewhere in the Downcounty/West County area and I am respectfully saying I think people ought to look harder and not think about this as a show for 20,000 people. But rather something that will accommodate those that can actually get there who I am sure will have a fabulous time who right now will not. And they will, as Council President said, drive off to a variety of other places and hope they will get there in time. And so that's what I'm raising.

Council President Leventhal,

May 25, 2006



1 In just a moment I'm going to call on Mr. Knapp followed by Ms. Floreen, followed by
2 Ms. Praisner. I have to say, Paul, that this comment that when a County puts on a show
3 we expect it to be of a certain standard, and so we're not going to put on a show at all is
4 a completely unacceptable answer. I enjoy fireworks displays, and I've seen fireworks
5 displays put on by the County, I've seen them put on at Disneyworld, I've seen them put
6 on in Takoma Park, I've seen them put on in Rockville. I don't believe that the layman
7 actually knows the difference between a 3-inch shell and a 2-inch shell. So if the
8 decision where made somewhere, well a two-inch shell is just not the Montgomery
9 County standard, and therefore there will be no show at all, I find that -- I'm
10 flabbergasted by that. I can't understand how we could not have reconfigured the size to
11 make it feasible to put on some fireworks. And if I'm explain to my constituents, "Oh
12 sorry, we just couldn't put on a two-inch show, because it just wouldn't be the
13 Montgomery County way, we wouldn't want to put on a cheap little show like in Takoma
14 Park," the constituents in Takoma Park think it's a good fireworks show. I'm going to call
15 on Mr. Knapp.

16
17 Councilmember Knapp,
18 Having been here still a relatively short time. It's interesting the things we do get to
19 discuss.

20
21 [LAUGHTER]

22
23 Councilmember Knapp,
24 I know, I know.

25
26 Multiple Speakers,
27 [INAUDIBLE]

28
29 Councilmember Knapp,
30 And yet, I found myself at a soccer game on Saturday walking up and down the
31 sidelines asking people when they would want to go to fireworks, so it is an important
32 issue. But in kind of the now good deed goes unpunished category, I know that the Rec.
33 Department thought it was a good idea to try to get BSO and consolidate that with the
34 County fireworks display as the County's fireworks display. Which I think is good, I am
35 still troubled by the fact that we picked to do it on the first as opposed to the fourth if it
36 was the County's 4th of July fireworks display. I don't understand it and I don't get it. To
37 Mr. Leventhal's point, it wasn't not to put on show at all as I understood it, the County's
38 fireworks were going to be in Germantown. We've just didn't do it on the 4th of July. Am
39 I accurate in that assessment?

40
41 Cathy Matthews,
42 Could I address that the first?

43
44 Councilmember Knapp,
45 Say who you are.

May 25, 2006



1 Cathy Matthews,
2 I'm sorry, Cathy Matthews...

3
4 Councilmember Sillverman,
5 The real flag waver here.

6
7 Cathy Matthews,
8 Upcounty Regional Services Just a reminder that the Germantown site was retained for
9 July 1st because at that time Wheaton was -- we and had just gotten word that it would
10 be not the in Wheaton on the fourth, and in order to move -- in looking for a new
11 location, the concern was that people needed to know this was the County's event that
12 we were moving. I know the locale and the name is an issue but people don't
13 necessarily relate that to be the County's fireworks. In it knowing we had to move this
14 wonderful event that had been done wonderfully in Wheaton for many years, we wanted
15 people to know that. And to know that you have to make sure there's a big enough
16 bang, no pun intended, with entertainment or whatever else, and the thought was that
17 the BSO or some other big names in entertainment will be very helpful in getting that
18 attention. And the BSO was not available on the fourth and that's why the first came up.
19 They said they were available on the first and we said that's close enough. I know that's
20 not the best decision, perhaps, but it was a decision made at the time, and it was based
21 on what we had just learned about Wheaton not being available, so that's why we went
22 to the first. I hope that helps to explain it.

23
24 Council President Leventhal,
25 Mr. Folkers.

26
27 Paul Folkers,
28 Just to respond, too, what Kathy said I think is accurate, we're faced with the prospect
29 of lost a long time fireworks location down in Wheaton, and we want to make sure that
30 we did have another location to put on our fireworks. The fact that Germantown -- we
31 found a good location, you've raised a legitimate question about the date, should be of
32 the fireworks on the fourth? I think certainly that's something we need to evaluate. And
33 certainly if that's...

34
35 Council President Leventhal,
36 The question answers itself.

37
38 Councilmember Knapp,
39 It was difficult walking around soccer fields trying to explain to people why the fireworks
40 were not going to be held on the fourth in the first place.

41
42 Paul Folkers,
43 I think that's one issue we can quickly look at and resolve. The challenge was in
44 addition to that fireworks display, was the idea of looking at a second location which we
45 didn't have a lot of time to do. Natalie worked very hard, and other staff at looking at
46 alternative sites to hold a Downcounty display. You've asked reasonable questions that

May 25, 2006



1 need to be looked at as far as what kind of event we can hold. We can work hard to do
2 that and hopefully come up with a viable location for next year.

3
4 Councilmember Knapp,

5 I guess the other part that troubled me a little bit, and I appreciate the role that Wheaton
6 has played, and I didn't know it was the County's fireworks either until a year or so, but
7 to be able to have Germantown and Upcounty to host it but then but it wasn't going to
8 be on the first it kind of defeated the purpose. Many of the benefits that I think Wheaton
9 has gained as a result of having it on the 4th of July, I think Germantown could have
10 stood to gain, but I'm not sure you get it at the same time, again no good deed goes
11 unpunished, I think it's good we're going to have BSO, I think it's good we're going to
12 have fireworks in the Upcounty. I think a lot of the questions people are asking today if
13 they were going to be 4th of July a lot of questions are moot, it doesn't mean we still
14 don't have a place to have fireworks in other parts of the County, if that's what people
15 want, but then the issue of the 4th of July kind of goes away. So I think that is part of the
16 reason we're kind of struggling with this today.

17
18 Council President Leventhal,
19 Ms. Floreen.

20
21 Councilmember Floreen,

22 We've identified that we're not happy at all with the resolution of the situation. Turning
23 my attention to the memo on this, this undercuts everything else you've said. You don't
24 want to have it at Olney because there is no place to park? That's basically the
25 conclusion.

26
27 Natalie Cantor,
28 No, Ms. Floreen, we did want to have it.

29
30 Multiple Speakers,
31 [INAUDIBLE]

32
33 Natalie Cantor,
34 Okay, all right, what can I say. Ms. Floreen.

35
36 Councilmember Silverman,
37 We come to your defense.

38
39 Natalie Cantor,
40 Okay.

41
42 Councilmember Floreen,
43 Thank you.

44
45 Councilmember Praisner,
46 Things are going downhill very fast.

May 25, 2006



1 Natalie Cantor,

2 We did a very much want to have it in Olney Park. We knew there we're parking issues.
3 I believe we had a work-around to those parking issues involving the County Police
4 shutting down lanes of Georgia Avenue and involving a cumbersome, but in my view,
5 doable system of shuttle buses.
6

7 Councilmember Floreen,

8 The world isn't going to come to an and for an hour.

9 Council President Leventhal,

10 Ms. Floreen has the floor, colleagues, please.

11 Councilmember Floreen,

12 The world isn't come to an and for an hour and everyone has to make accommodations
13 to do this sort of thing. And if you're going to put on your 3-inch length of these firework
14 pieces, they're more visible from a father distance. It just seems to me that if you want
15 to find a reason not to do it, you can find one.
16

17 Natalie Cantor,

18 We did not want to find a reason not to do it. And I couldn't agree with you more. We
19 actually had a meeting on Monday on the 23rd with all of the folks who would be putting
20 it on, and Captain Bise is here so he can speak to this. Basically we got a great deal of
21 pushback in terms of the public safety issues. Park Police felt very strongly that we were
22 risking public safety with having that many people in Olney Manor Park. Indeed, we had
23 gotten a verbal authorization, though somewhat reluctant, from the Parks Department
24 prior to your allocating the funds. And I did come back here and tell you that. But then
25 Chairman Berlage did write a strongly worded letter to the CAO saying "Yes, they would
26 do it, but they really don't want to." And then we also met with the Park Police who said
27 it was a risk.
28

29 Councilmember Silverman,
30 [INAUDIBLE]

31 Councilmember Floreen,

32 I mean any location is going to create -- it's going to create a very inconvenient situation
33 no matter where it is. At South Germantown you're going to have a lot vehicles running
34 through a neighborhood. That's going to alienate those people. You're going to have
35 this any place. The issue with the Rockville fireworks. Basically, Rockville Pike is shut
36 down for 20 minutes or however long the fireworks are. It's not a terrible, awful thing.
37 People park every which way. We put up with each other for a short period of time.
38 That's going to happen at the college, as I understand, in any event, which I can't
39 imagine is any easier in terms of all the other criteria.
40

41 Natalie Cantor,

May 25, 2006



1 I do agree and 'til 2:00 on Monday afternoon we were going to have it in Olney Manor
2 Park.

3
4 Councilmember Floreen,
5 So this is because of the letter from the Chairman of the Park and Planning
6 Commission?

7
8 Natalie Cantor,
9 Jake, do you want to...

10
11 Jake Bise,
12 Jake Bise, Park Police. Olney Manor...

13
14 Unidentified Speaker,
15 Review.

16
17 Jake Bise,
18 Olney Manor, if we could scale it down, would be fine. But we had the Olney Days just
19 last weekend and had 3,000 plus and it was very packed, I mean, it was a lot of crowd
20 situations. If you had another location, maybe split it up, one in Olney Manor, one some
21 place else in the Downcounty. Maybe that would even work better. But our concern is
22 we were looking at 10,000 plus people in Olney Manor Park, and it's just not enough
23 room in the park to take care of that. You've got to consider the outlying areas and
24 you're right, people will be parking in the neighborhoods, they will be parking on Georgia
25 Avenue. It's something we have to deal with.

26
27 Councilmember Floreen,
28 Under that criteria there is no place, except, I guess where its planned in Germantown.
29 And arguably, that's an issue. It seems to me that the criteria that are being employed,
30 which are well oriented to safety and community relation issues, they're not going to be
31 satisfied in any location, frankly.

32
33 Jake Bise,
34 You're going to have the same concerns were ever you ago. Our concern is to insure
35 volume of people. If this replacing the Wheaton, which estimates that I've heard was
36 30,000 plus. In Wheaton there's a lot of viewing points around the shopping center that
37 people can congregate to see the fireworks. Olney Manor, you don't have the same type
38 of situation, so if you get that type of crowd the only suitable viewing spots are going to
39 be Georgia Avenue and a small area around the swim center.

40
41 Councilmember Floreen,
42 Your really saying the only place that works is it in an urban location where there is
43 spread out sort of a low scale environment where you have spread out parking
44 opportunities?

45
46 Recreation Department Staff,

May 25, 2006



1 Yeah. I agree with you, I think that does help. In downtown Wheaton the other factor
2 that helped, not only was there lots of places for viewing of the fireworks shoot itself was
3 from an elevated...

4
5 Councilmember Floreen,
6 How about the Good Counsel construction site.

7
8 Recreation Department Staff,
9 I haven't been there. At the garage was an elevated shooting site which help the
10 viewing considerably, because now, you're up already.

11
12 Councilmember Floreen,
13 Obviously, were not going to resolve this by Committee conversation. But I have to say
14 the standards that are being employed are only going to operate to preclude fireworks
15 for our community, which is a very essential fundamental community event on the 4th of
16 July. Anything else is nice, but it's not a 4th of July event and it's not a holiday. It's a
17 celebration of something that's not the 4th of July.

18
19 Council President Leventhal,
20 Mr. Subin?

21
22 Councilmember Subin,
23 Thank you, I guess first we decided we don't have to celebrate Presidents' day and
24 Lincoln's birthday and George Washington's birthday and whatever else there was, and
25 now we've decided not to worry about July 4th . It's very comforting. Thank you all very
26 much. When you run a DWI traffic stop on a major roadway, how long does that last?
27 More than 15 minutes? More than half an hour?

28
29 Jake Bise,
30 The actual stop for the person...

31
32 Councilmember Subin,
33 Not for the person. How long do you have the road blocked off so that there's only one
34 lane of traffic?

35
36 Jake Bise,
37 You could block it indefinitely.

38
39 Councilmember Subin,
40 Do we do that?

41
42 Jake Bise,
43 We do for different things.

44
45 Councilmember Subin,

May 25, 2006



1 If we do that, then why is it that much more trouble to run one lane while you do the
2 fireworks? Why is it that much more of a problem to the public?

3
4 Jake Bise,
5 I don't think it is. You could block one lane of Georgia Avenue.

6
7 Councilmember Subin,
8 I'm hearing is if you block a lane it's going to cause a problem.

9
10 Jake Bise,
11 It could, yes.

12
13 Councilmember Subin,
14 Why is it any more of a problem than a DWI check?

15
16 Jake Bise,
17 I think what you have at a DWI check you don't have people parked all over Georgia
18 Avenue, you just have that traffic that's using Georgia that has to stop and it's going to
19 be temporary. The fireworks display you've got thousands of people who are going to be
20 on Georgia Avenue trying to view the fireworks as well as parking in the lane you've got
21 shut down.

22
23 Councilmember Subin,
24 If that's a problem, don't the police have the authority to keep people moving?

25
26 Jake Bise,
27 Your right, they do.

28
29 Natalie Cantor,
30 Mr. Subin, that was pretty much the plan of the County Police. They were going to block
31 a couple of lanes, one lane on each side of Georgia Avenue, for parking and they were
32 also prepared for stopping the traffic for the period of the fireworks. So the County
33 police were on board with it.

34
35 Councilmember Subin,
36 Well then who's not on board with it? Is it Park Police?

37
38 Jake Bise,
39 Sir, we just pointed out the concerns of the large crowd at Olney Manor.

40
41 Councilmember Subin,
42 But Jake, I'm talking about the traffic issue. I understand your concern, I'm trying to
43 weed stuff out here. I Understand your concern that Olney Manor Park only handle "X"
44 amount of people. I'm trying to get at the issue that Natalie brought up earlier about
45 traffic, and traffic control and why it's a problem. It appears to be a problem in one area,
46 but not when you do the same things for different reasons. I know somebody will

May 25, 2006



question this, so for the record I will just say I have no problem with DWI traffic checks. I said that for the record, and that's not the issue. I'm trying to distinguish why it's okay to do it with one for a number of hours as opposed to another for a shorter period of time? Cathy.

Cathy Matthews,
I think we have, Paul wants to say something.

Paul Folkers,
I would like to offer up a possible alternative which would be for the Germantown fireworks that we could look and try to shift to July 4th, recognizing we would have to cancel our contract with BSO, but see if we can shift the event to July 4th.

Council President Leventhal,
Fine, could we have a report when we resume on June 13th as to the feasibility of that?

Paul Folkers,
We'll look at it right away.

Councilmember Subin,
If you can't do it in Germantown on the fourth, Mr. Knapp and I are going to sponsor an anniversary funeral for Thomas Jefferson and John Adams.

Paul Folkers,
The other suggestion I have and it's something that Council President Leventhal mentioned in the beginning, and I think it's a possible consideration too, is whether the County looks at some type of partnership or support with some of the municipalities relative to their fireworks. So that in some ways it can become joint municipal/County fireworks events, that is an option.

Council President Leventhal,
Okay, there's a lot of lights on, we do need to wrap this up, Ms. Matthews wanted to comment.

Cathy Matthews,
I just want to add a third part to this new suggestion that is to change the name to something about Montgomery County celebration. So we do away with all of this confusion for the public, so you don't get your phone calls and just take away the locale in the name.

Council President Leventhal,
Ms. Praisner.

Councilmember Praisner,
I think it's obvious that we are anxious to have fireworks on the 4th of July. Having worked with Natalie to look at possibilities and listing all the sites, I know the work that



1 she's has done and the government centers have done to try to make make this
2 happen. I can remember when there were no fireworks in Wheaton. This is not the
3 tradition, and in fact there were in years where I don't believe there were County
4 fireworks. So tradition is tradition but it's been about 12 years, it hasn't been 200 years
5 or even 40 years. And there have been events in the Germantown area, not on the day.
6 So I think we need to use this experience, and the fact that we heard about it late, and
7 the challenges of the issues, and one, look at perhaps if you can move in the event in
8 Germantown to July 4th. And also look at the extent to which we may assist the
9 municipalities, but I'm looking at getting past this year. Things happen in you have to
10 cancel something on a certain year because things happen. But we can -- and there are
11 of folks, with all due respect to folks here. There are folks depending upon where you
12 live who go lots of places that are not necessarily Montgomery County for fireworks.
13 And we should not feel so proprietary, in my view, about assumptions. But on the other
14 hand, if we have a history of attendance, we've got to plan based on that history of
15 attendance unless we have multiple events, and we work collectively. It is with that
16 intent that I've scheduled this meeting inviting the municipalities and folks from the
17 government centers and County government, police, fire, and the school system, I
18 happen to think there may be at least one location that would work and maybe in the
19 future were looking at multiple events. I think we need to get past our concerns about
20 this year, because there have been years when there was no official fireworks, and folks
21 survived, and get past it to '08 and work on a plan for multiple locations are multiple
22 dimensions of events that are over the 4th of July period depending upon the calendar
23 and depending upon the cooperation of everyone together, but I think we can get past
24 this. Thank you.

25
26 Council President Leventhal,
27 Although I know its painful, I'm going to place this matter back on our agenda on June
28 13th which is when we resume Council session. And I'd like another update on the
29 questions that have been addressed. At minimum I would like to know the consultation
30 that has gone on with municipal governments. Optimally I would hope that we might
31 have identified a place to do a 2-inch shell fireworks show. I think you've heard from,
32 you've heard the Council's view on this matter. Mr. Silverman.

33
34 Councilmember Silverman,
35 I don't mean to belabor the point. I'm just looking, because I had the County map. The
36 debate could continue about whether we have it on the first or fourth in Germantown,
37 and you're going to go look at that, and that's fine. But I do think there's a geographical
38 issue here, which is what I started out saying about a more modest, you know, the
39 Buick version as opposed to the Cadillac version of fireworks. But one which would
40 accommodate people who happen to be in the Downcounty, Mid-County area as we've
41 had in the past recognizing that every time there's a firework somewhere there's always
42 people who will never get there because of traffic, because of parking, because of
43 whatever, it's just the way it is. So if you can't look at those options as well, that might
44 provide some ability to do something that would geographically accommodate a whole
45 chunk of people that would otherwise be traipsing off somewhere else, because they're
46 going to want to go somewhere else.

May 25, 2006



1
2 Council President Leventhal,
3 On the 4th of July, Tuesday, the 4th of July. Okay. Also please get back to us on June
4 13th regarding Blake High School as a possible location. That's been requested by a
5 Councilmember. The Council is adjourned until June 13th.